

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: 07/16/2018

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HAI DONG LI, individually and on behalf of all :
others similarly situated, :

Plaintiff, :

1:18-cv-2270-GHW

-against- :

ORDERALIBABA GROUP HOLDING LTD., ANT :
FINANCIAL SERVICE GROUP, LTD., f/k/a :
Zhejiang Ant and Micro Financial Services :
Company, Ltd, JACK YUN MA, DANIEL YONG :
ZHANG, and JUNGOING SUN, :

Defendants. :

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GREGORY H. WOODS, United States District Judge:

Plaintiff Hai Dong Li filed this action as a putative class action on March 14, 2018. Dkt. No.

1. On April 12, 2018, Plaintiff's counsel moved to withdraw from the case. Dkt. No. 4. The motion to withdraw was granted on April 16, 2018. Dk. No. 5. No counsel has entered a notice of appearance on behalf of Plaintiff since that date and, therefore, Plaintiff is proceeding *pro se*.

As a result of his *pro se* status, Plaintiff is not entitled to represent the class. *See Jaffe v. Capital One Bank*, No. 09-cv-4106-PGG, 2010 WL 691639, at *10 (S.D.N.Y. Mar. 1, 2010) (“[A] *pro se* plaintiff may not bring an action in which he will serve as both class representative and class counsel.”).

Furthermore, no evidence of Plaintiff's efforts to serve process has been submitted to the Court. “[T]here is no time limit by which service must be effected on a defendant in a foreign country pursuant to Rule 4(f).” *U.S. S.E.C. v. Shebryn*, No. 04-cv-2003 (LAP), 2008 WL 6150322, at *4 (S.D.N.Y. Nov. 26, 2008). “Instead, courts have used a ‘flexible due diligence standard’ in determining whether service of process under Rule 4(f) is timely.” *Aqua Shield, Inc. v. Inter Pool Cover*


Team, No. 05-cv-4880 (CBA), 2007 WL 4326793, at *2 (E.D.N.Y. Dec. 7, 2007) (collecting cases).

Approximately four months have passed since Plaintiff filed the complaint in this case and there has been no indication that he has even commenced service. Consequently, the Court cannot identify any basis on which to conclude that Plaintiff has been diligent in serving process.

Accordingly, this case is dismissed without prejudice. The Clerk of Court is directed to close the case. The Clerk of Court is further directed to mail a copy of this order to Plaintiff by certified and first-class mail.

SO ORDERED.

Dated: July 16, 2018
New York, New York



GREGORY H. WOODS
United States District Judge